

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARC LEWIS,

Plaintiff,

v.

08-CV-0482

J. JOHNSON, et al.,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

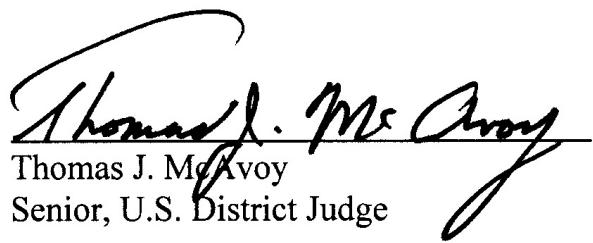
This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the August 5, 2010 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, **ORDERED** that Defendants' motion for summary judgment (Dkt. No. 59) is **DENIED** as to (1) Plaintiff's Eighth Amendment claims based on excessive force and/or failure to intervene against defendants Secore, Favro, and Norcross; and (2) the Eighth Amendment claims based on excessive force against Defendant Reardon. In all other respects, Defendants' motion for summary judgment is **GRANTED** and the Complaint is dismissed in its entirety as to all other claims against all defendants.

IT IS SO ORDERED.

Dated: September 20, 2010



Thomas J. McAvoy
Senior, U.S. District Judge